

**ASSEMBLY BILL**

**No. 607**

**Introduced by Assembly Member Plescia**

February 19, 2003

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An act to add Section 65598.5 to, and to add Article 11 (commencing with Section 65610) to Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 607, as introduced, Plescia. Landscape water conservation.

Existing law, known as the Water Conservation in Landscaping Act requires a model efficient landscape ordinance adopted by the Department of Water Resources to be enforced by a city, county, or city and county and have the same force and effect as if adopted by the local agency, unless the local agency has adopted a water efficient landscape ordinance or has adopted findings on climactic, geological, or topographical conditions, or water availability that states that this ordinance is unnecessary.

This bill would enact the Landscape Water Conservation Rate Structure Act which would permit a city, county, or city and county by ordinance to exempt itself from the Water Conservation in Landscaping Act if it is located wholly within the boundaries of one or more water districts that have adopted a landscape water conservation rate structure that complies with certain requirements. The bill would require the department to submit a report to the Governor and the Legislature not later than January 1, 2006, comparing the effectiveness of the 2 acts in promoting urban landscape water conservation and improving the water efficiency of landscape design, installation, and maintenance.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65598.5 is added to the Government  
2 Code, to read:  
3 65598.5. A city, county, or city and county wholly within the  
4 boundaries of one or more water districts that have adopted a  
5 landscape water conservation rate structure as provided in Article  
6 11 (commencing with Section 65610) is exempt from the  
7 requirements of this article.  
8 SEC. 2. Article 11 (commencing with Section 65610) is  
9 added to Chapter 3 of Division 1 of Title 7 of the Government  
10 Code, to read:  
11  
12 Article 11. Landscape Water Conservation Rate Structure  
13  
14 65610. This article may be cited and shall be known as the  
15 Landscape Water Conservation Rate Structure Act.  
16 65611. The Legislature finds and declares all of the following:  
17 (a) It is the policy of the state to promote the conservation and  
18 efficient use of water and to encourage greater water efficiency in  
19 landscape design, installation, and maintenance.  
20 (b) The adoption of a water conservation rate structure based  
21 on reference evapotranspiration has proven to be highly effective  
22 means of promoting efficient water use while maintaining the  
23 quality and traditional character of public, commercial, and  
24 residential landscaping.  
25 (c) Use of the appropriate amount of water for landscape  
26 irrigation will help reduce nonpoint source pollution derived from  
27 runoff of lawn and garden fertilizers and chemicals.  
28 (d) Local agencies should have the option to encourage and  
29 promote landscape water conservation through the adoption of a  
30 landscape water conservation rate structure in lieu of the adoption  
31 of a model water efficient landscape ordinance as required by the  
32 Water Conservation in Landscaping Act in Article 10.8  
33 (commencing with Section 65591).  
34 65612. Unless the context requires otherwise, the following  
35 definitions shall govern the construction of this article:



(a) “Base water rate” means the standard amount a water district charges to its water customers using 100 percent or less of reference evapotranspiration per square foot of landscape area.

(b) “Dedicated landscape water meter” means a meter or submeter that exclusively measures the amount of water applied to landscapes.

(c) “Department” means the Department of Water Resources.

(d) “Evapotranspiration” means the quantity of water evaporated from adjacent soil surfaces and transpired plants during a specified period of time.

(e) “Local agency” means any city, county, or city and county.

(f) “Rain sensing device” means a system that automatically shuts off the landscape irrigation system when it rains.

(g) “Reference evapotranspiration” or “ET<sub>o</sub>” means the amount of water needed in a specific geographical location to grow a large field of four- to seven-inch tall cool-season grass that is well-watered based on data from the California Irrigation Management Information System (CIMIS) or other monitoring systems that utilize CIMIS parameters to calculate estimated evapotranspiration.

65613. (a) Except as provided in subdivision (b), this article shall apply to the following:

(1) Landscaping on real property owned or maintained by public agencies, including, but not limited to, parks, play grounds, sports fields, golf courses, school yards, and medians and shoulders on municipal streets and highways.

(2) Landscaping on real property owned or maintained by private entities, including, but not limited to, commercial buildings, multifamily residential projects, including, but not limited to, apartments and condominiums, and recreational facilities, including, but not limited to, courses and sports facilities.

(b) This article shall not apply to landscaping on any of the following properties:

(1) Single-family homes.

(2) Registered historical sites.

(3) Ecological restoration projects that do not require a permanent irrigation system.

(4) Mine-land reclamation projects that do not require a permanent irrigation system.

1 (5) Any landscaped area of less than 2,500 square feet.

2 65614. (a) A local agency wholly within the boundaries of  
3 one or more water districts that have adopted a landscape water  
4 conservation rate structure on all public agency water customers,  
5 as defined in subdivision (a) of Section 65613, that are located  
6 within the jurisdiction of the local agency may elect by ordinance  
7 to be exempt from the requirements of Article 10.8 (commencing  
8 with Section 65591).

9 (b) To be eligible for exemption pursuant to subdivision (a) the  
10 landscape water conservation rate structure shall meet all of the  
11 following requirements:

12 (1) At least 50 percent of customers shall have installed a  
13 dedicated landscape water meter or submeter. All customers shall  
14 install a dedicated landscape water meter or submeter no later than  
15 15 years after the local agency elects to utilize a landscape water  
16 conservation rate structure.

17 (2) Except as provided in subdivision (c), the base water rate  
18 shall apply to all customers using an amount of water equal to not  
19 more than 100 percent of ETo per square foot of landscape area  
20 during each billing cycle.

21 (3) Customers using an amount of water equivalent to more  
22 than 100 percent of reference evapotranspiration per square foot  
23 of landscape area during any billing cycle shall pay a penalty rate  
24 calculated on the basis of either of the following methods,  
25 whichever is more:

26 (A) The marginal cost to the water district of providing the  
27 additional water.

28 (B) A surcharge on that portion of water use exceeding 100  
29 percent of ETo according to the following schedule:

30 (i) For the amount of water use exceeding 100 percent but less  
31 than 110 percent of ETo, two times the base water rate.

32 (ii) For the amount of water use exceeding 110 percent but less  
33 than 120 percent of ETo, four times the base water rate.

34 (iii) For the amount of water use equal to or exceeding 120  
35 percent of ETo, eight times the base water rate.

36 (c) Nothing in this section shall restrict a water district from  
37 offering discounts from the base water rate to customers using less  
38 than 100 percent of ETo for landscape irrigation in any billing  
39 cycle.



1 (d) If the base water rate established by the water district is less  
2 than 100 percent of ETo, the district may impose separate penalties  
3 for water use exceeding the lower percentage, provided that water  
4 use by a customer in excess of 100 percent of ETo shall be  
5 penalized as provided in paragraph (3) of subdivision (b).

6 (e) Nothing in this section shall restrict a water district from  
7 applying a landscape water conservation rate structure to  
8 additional customers, including customers specified in  
9 subdivision (b) of Section 65613.

10 (f) Nothing in this section shall require a water district to apply  
11 a landscape water conservation rate structure to the use of recycled  
12 or reclaimed water.

13 65615. The department shall provide technical assistance to  
14 local agencies and water districts seeking to offer a landscape  
15 water conservation rate structure as an alternative to the adoption  
16 of a model water efficient landscape ordinance.

17 65616. The department shall submit a report to the Governor  
18 and the Legislature not later than January 1, 2006, comparing the  
19 effectiveness of this article and the Water Conservation in  
20 Landscaping Act, Article 10.8 (commencing with Section 65591),  
21 in promoting urban landscape water conservation and improving  
22 the water efficiency of landscape design, installation, and  
23 maintenance.

